



2025:AHC-LKO:54493

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 8941 of 2025

Shri Ramswaroop Memorial Educational Trust,
Lko. Thru. Managing Trustee Pankaj Agarwal And
Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Revenue, Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Lalta Prasad Misra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Shri Gaurav Mehrotra, Shri Ambreesh Singh Yadav, Shri Amit Jaiswal, Shri Utasav Mishra, Shri Aditya Singh and Ms. Maria Fatma for the petitioners as well as Shri Sudheep Kumar, learned Additional Advocate General on behalf of respondents no. 1 to 3 and Shri Mohan Singh, learned counsel for respondent no. 5 to 7.

2. The present petition was heard yesterday and following orders were passed:-

"1. A mention has been made before this Court, stating that there is urgency in the matter as the state has proceeded to demolish a portion of the University in exercise of power under 67 of the U.P. Revenue Code, and considering the aforesaid mention, permission was granted to take up the matter today itself.

2. Heard Dr. Lalta Prasad Misra, learned counsel assisted by Shri Gaurav Mehrotra, Shri Ambrish Singh Yadav, Shri Amit Jaiswal, Shri Utasav Mishra, Shri Aditya Singh and Shri Vikas Raj as well as Shri Sudheep Kumar, learned Additional Advocate General on behalf of respondents no. 1 to 3 and Shri Mohan Singh, learned counsel for respondent no. 5 to 7.

3. The grievance raised by the petitioners in the present petition with regard to the proceedings undertaken by the respondents under Section

67 of the U.P. Revenue Code, 2006, whereby by means of the order dated 25.08.2025, the Assistant Collector, 1st Grade, Tahsildar, Nawabganj, District Barabanki, has passed orders for eviction and imposition of penalty upon the petitioners.

4. It has been submitted that an appeal against the order dated 25.08.2025, has been filed by the petitioners before the District Magistrate, Lucknow, under Section 67(5) of the U.P. Revenue Code, but submits that neither the case has been registered nor a date has been fixed for hearing. It has been submitted by counsel for the petitioners that only limited interference is sought from by this Court in the present proceedings with regard to the demolition exercise taken by the State in pursuance of the order passed under Section 67 of the U.P. Revenue Code, 2006 dated 25.08.2025. In support of his submissions, certain photographs have been annexed, and it has been stated that the said exercise has been conducted in pursuance of the impugned order.

5. Learned Additional Advocate General, on the other hand, has submitted that there are certain order under Section 122-B pre existing, wherein also orders for demolition have also been passed against the petitioners. He further submits that he has received certain instructions from the Tahsildar, Nawabganj, District Barabanki, stating that no exercise for demolition has yet been undertaken with regard to the gata numbers, which are the subject matter of the proceedings, culminating in the order dated 25.08.2025. He further prays that certain time may further be granted to him so that he can obtain full instructions with regard to the said matter.

5. Considering the aforesaid, let the matter be put up tomorrow as a first case at 10:15 a.m. "

3. Supplementary affidavit has been filed today, which is taken on record.

4. Sri Gaurav Mehrotra has submitted that urgency in the present case has arisen on account of the fact that Assistant Collector, 1st Grade, Tahsildar, Nawabganj, District Barabanki had passed orders under Section 67 of U. P. Land Revenue Code on 25.8.2025 and the certified copy of the same was obtained by the petitioner only on 4.9.2025 and an appeal was filed before the appellate authority on 6th September, 2025. It

is stated that in the meanwhile, the State started demolition of a portion of the University and the petitioner under an impression that the respondents are proceeding to execute the orders dated 25.8.2025 has approached this Court by means of the present writ petition.

5. Today, when the matter has been taken - up Sri Sudheep Kumar, learned Additional Advocate General has informed this Court that the appeal preferred by the petitioner before the District Magistrate has already been registered and number has been allotted bearing No.3200/2025, computerized No.D202504120003200 and the matter has been fixed for admission on 25.9.2025.

6. At this stage, Sri Gaurav Mehrotra submits that the grievance of the petitioner would stand substantially redressed in case the application for interim relief which has been filed by the petitioner along with the said appeal is considered expeditiously.

7. Learned counsel for the respondent does not object to the innocuous prayer made by the petitioner.

8. Accordingly, with the consent of the parties, the petition is being **disposed of** in the following terms:-

(i) The petitioner shall file all materials which he requires to place before the appellate authority by filing a supplementary affidavit latest by 15.9.2025.

(ii) The respondents in the appeal/State shall file its response by 18.9.2025 and a copy of the same shall be given to counsel for the petitioners/appellants.

(iii) The District Magistrate is directed to hear the parties on the application for interim relief on the date already fixed i.e. 25.9.2025 and dispose of the application for interim relief on the date fixed. In case of any legal impediment or other cogent reason the case has to be adjourned, he shall be at liberty to fix another date within next ten days as per his convenience and also as per the convenience of the parties and shall dispose of the application for interim relief on that date in accordance with law.

(iv) The parties undertake to cooperate in the appellate proceedings.

9. It is further provided that untill appropriate orders are passed by the appellate authority, no coercive action shall be taken against the petitioner in pursuance of the orders dated 25.8.2025 passed by Assistant Collector, First, Tehsil Nawabganj, District Barabanki.

10. It is made clear that the operation of the interim order granted in this petition shall come to an end on passing of the appropriate orders on the application for interim relief preferred by the petitioner in the appellate proceedings.

September 10, 2025
RKM.

(Alok Mathur,J.)